THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No. 12419 of 2006

Date: 26.06.2006
Between:

Smt. B. Seshapurneswari.

... Petitioner

and

1. The District Collector (Panchayat Wing), W.G.,Eluru and two others.

... Respondents.

THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No. 12419 of 2006

ORDER: (per Hon'ble Sri Justice B. Prkash Rao)

Heard Sri Y. Venkata Sastry, learned Counsel appearing on behalf the petitioner and the learned Government Pleader for Services No.II on behalf of the respondent and at their request, the writ petition is taken up for disposal.

The petitioner, who working as Panchayat Secretary in Gram Panchayat, Paimpudi, files this writ petition *inter alia* seeking to assail the orders vacating the stay granted during the pendency of the substantial application filed under Section 19 of the A.P. Administrational Act.

The grievance of the petitioner is that on certain allegations of misappropriation she was suspended and against which she approached the Tribunal and initially the Tribunal granted interim stay on 08.09.2005. Placing reliance on the instructions issued by the government itself, the memorandum No. 1733/Ser-C/67-2 G.A. (Ser.C) Department dated 03.08.1967 contemplating that the transfer of employee is desirable, it is not necessary to place the employee under suspension. Subsequently the matter came up for hearing in contempt proceedings. The Tribunal once again going into the merits having regard the nature and especially the misappropriation of the amount to a tune of Rs.4,65,321.35ps held not to continue the interim order. Accordingly the interim stay was

vacated. Hence the writ petition.

Heard both sides and perused the material on record. The main challenge in this writ petition is only as against the interim order of suspension pending departmental enquiry against the petitioner. The allegations are serious in nature amounting to misappropriation of substantial amounts. We are also of the same view to the fact that the petitioner is not entitled to seek any interim relief. Hence, we do not find any merit in the writ petition. The writ petition is dismissed. However, it is always open for the petitioner to complete the enquiry within a period of four months from the date of receipt of the order.

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B. PRAKASH RAO, J

Date: 26.06.2006

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RAMESH RANGANATHAN, J

MRKR